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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,699	09/28/2001	Akihiro Kasahara	213470US2RD	4727

22850            7590            10/17/2002  
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[REDACTED] EXAMINER

TAMAI, KARL I

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2834

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/964,699	KASAHARA, AKIHIRO	
	Examiner	Art Unit	
	Tamai IE Karl	2834	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_ .

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-21 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5 and 8-21 is/are rejected.

7) Claim(s) 4,6 and 7 is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) All b) Some \* c) None of:

        1. Certified copies of the priority documents have been received.

        2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .

        3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5&amp;6</u> .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 9, 10, 11, 13, 14, 15, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga et al. (Koga)(JP 10-239,578) and Noboru (JP 5-260,766). Koga teaches an electrostatic actuator with a slider between two stators having a series of electrodes for moving a lens. Koga does not teach the capacitance detecting circuit and electrodes. Noboru teaches a capacitive detecting circuit connected to the drive selected electrodes to determine the position of the slider. Noboru teaches the drive electrodes having a larger area than the sensor electrodes. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the actuator of Koga with the detecting circuit and electrodes of Noboru to prevent out of synchronous movement and hunting of the slider.

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4. Claims 1, 8, and 11-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Koga et al. (Koga)(JP 10-239,578) and Taussig et al.(Taussig).

Koga teaches an electrostatic actuator with a slider between two stators having a series of electrodes, for moving a lens. Koga does not teach the capacitance detecting circuit. Taussig teaches a capacitive detecting circuit connected to the drive the selected series of electrodes to provide in-phase and quadrature signals for position sensing which is unaffected by the slider gap. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the actuator of Koga with the detecting circuit and electrodes of Taussig to provide inphase and quadrature signals for position sensing which is unaffected by the slider gap.

***Allowable Subject Matter***

5. Claims 4, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai at (703) 305-7066. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0956.

Karl I Tamai  
PRIMARY PATENT EXAMINER  
October 10, 2002

KARL TAMAI  
PRIMARY EXAMINER  
